

ORDINANCE NO. 2001 - 092

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR COUNTY INITIATED **SUSSMAN PUD NOTES** SITE SPECIFIC AMENDMENT: **01-84 NOTE 1 (MORTON/DUBOIS)**, MODIFYING PAGE 84 OF THE FLUA BY NOTING APPROXIMATELY 196.17 ACRES OF LAND, LOCATED ON THE WEST SIDE OF STATE ROAD 7/US 441, APPROXIMATELY 1.5 MILES NORTH OF BOYNTON BEACH BOULEVARD, AS AN AGRICULTURAL PRESERVE AREA; **01-88 NOTE 1 (BRUSCHI/GL)**, MODIFYING PAGE 88 OF THE FLUA BY NOTING APPROXIMATELY 82.42 ACRES OF LAND, LOCATED ON THE WEST SIDE OF STATE ROAD 7/US 441, APPROXIMATELY 0.5 MILES NORTH OF BOYNTON BEACH BOULEVARD, AS AN AGRICULTURAL PRESERVE AREA; **01-102 NOTE 1 (SUSSMAN)**, MODIFYING PAGE 102 OF THE FLUA BY NOTING APPROXIMATELY 172.82 ACRES OF LAND, LOCATED ON THE EAST SIDE OF STATE ROAD 7/US 441, APPROXIMATELY 1.5 MILES SOUTH OF ATLANTIC AVENUE, AS A BUILDABLE AREA; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 15, 22 and July 13, 2001 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on August 14, 2001 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 5, 2001 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 2, 2001 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on December 5, 2001 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use
Element of the 1989 Comprehensive Plan

The following amendments to the Land Use Element's Future Land Use Atlas are hereby adopted and attached to this Ordinance:

A. Future Land Use Atlas page 84 is amended as follows:

Application No.: 01-84 NOTE 1 (Sussman PUD Notes,
Morton/Dubois)

Amendment: Identify parcel as an Agricultural Preserve Area;

General Location: West side of State Road 7/US 441,
approximately 1.5 miles north of Boynton
Beach Boulevard;

Size: Approximately 196.17 acres;

B. Future Land Use Atlas page 88 is amended as follows:

Application No.: 01-88 NOTE 1 (Sussman PUD Notes,
Bruschi/GL)

Amendment: Identify parcel as an Agricultural Preserve Area;

General Location: West side of State Road 7/US 441,
approximately 0.5 miles north of Boynton
Beach Boulevard;

Size: Approximately 82.42 acres;

C. Future Land Use Atlas page 102 is amended as follows:

Application No.: 01-102 NOTE 1 (Sussman PUD Notes, Sussman)

Amendment: Identify parcel as a Buildable Area;

General Location: East side of State Road 7/US 441,
approximately 1.5 miles south of Atlantic
Avenue;

Size: Approximately 172.82 acres;

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs

1 earlier. No development orders, development permits, or land uses
2 dependent on this amendment may be issued or commence before it has
3 become effective. If the Administration Commission issues a final
4 order of noncompliance, this amendment may nevertheless be made
5 effective by adoption of a resolution affirming its effective status,
6 a copy of which resolutions shall be sent to the Department of
7 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak
8 Boulevard, Tallahassee, Florida 32399-2100.

9 APPROVED AND ADOPTED by the Board of County Commissioners of
10 Palm Beach County, on the 5 day of December, 2001.

11
12 ATTEST:
13 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

14
15 By: *[Signature]*
16 Deputy Clerk

By: *[Signature]*
Warren H. Newell, Chairman

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19 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
20
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22 *[Signature]*
23 COUNTY ATTORNEY

24 Filed with the Department of State on the 14th day
25 of December, 2001

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27 T:\PLANNING\AMEND\01-2\admin\Bccadopt\Ordinances\Sussman-ord.rtf
28

EXHIBIT

A. Future Land Use Atlas page 84 is amended as follows:

Amendment No.: 01-84 NOTE 1 (Sussman PUD Notes, Morton/Dubois)

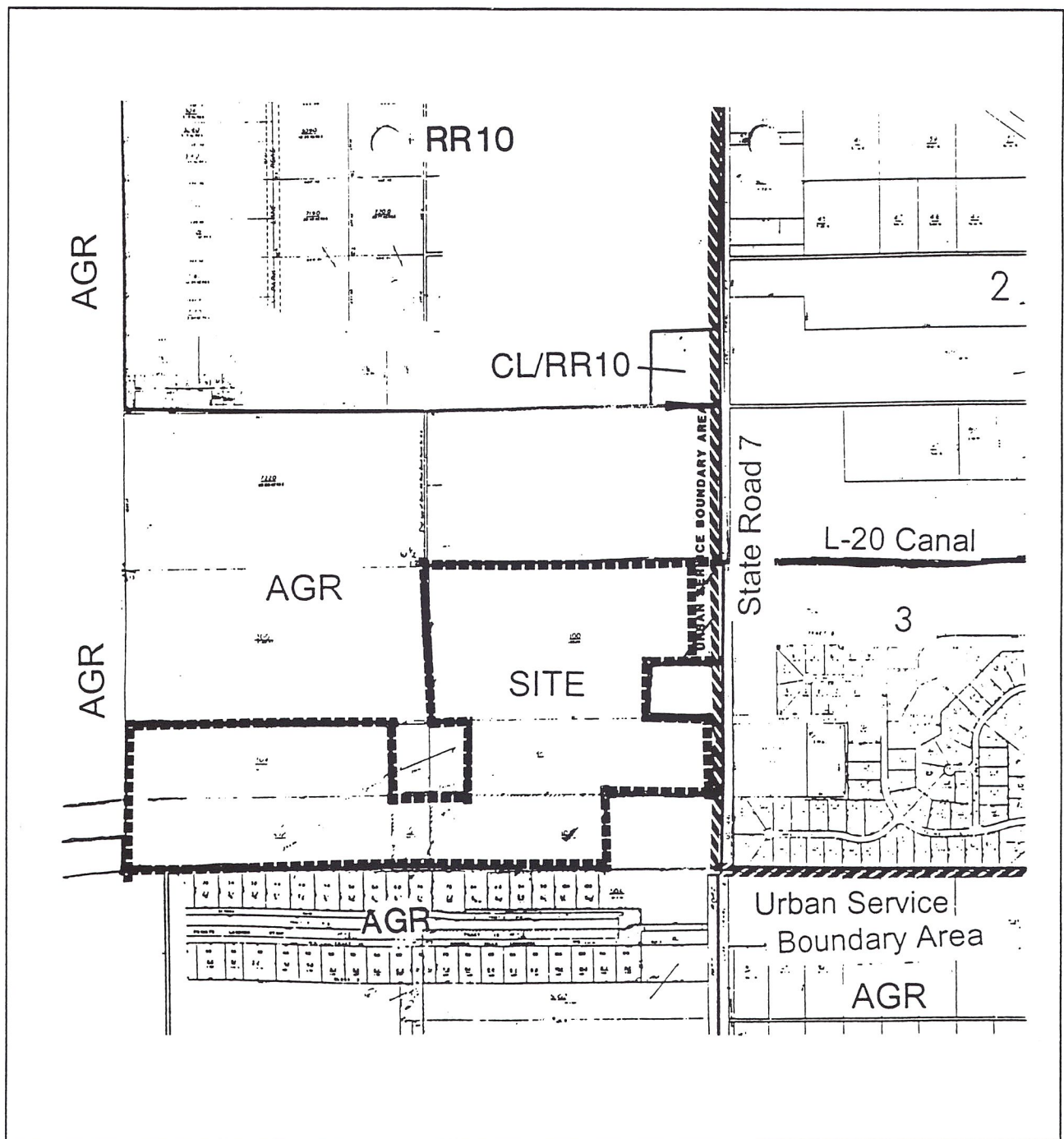
Amendment: Identify parcel as an Agricultural Preserve Area

Location: West side of State Road 7/US 441, approximately 1.5 miles north of Boynton Beach Boulevard

Size: Approximately 196.17 acres

Property No.: 00-41-45-13-00-000-1010 00-41-45-13-00-000-3010
00-41-45-13-00-000-1030 00-41-45-13-00-000-3020
00-41-45-13-00-000-1040 00-41-45-13-00-000-3040
00-41-45-13-00-000-1050

Conditions: None



B. Future Land Use Atlas page 88 is amended as follows:

Amendment No.: 01-88 NOTE 1 (Sussman PUD Notes, Bruschi/GL)

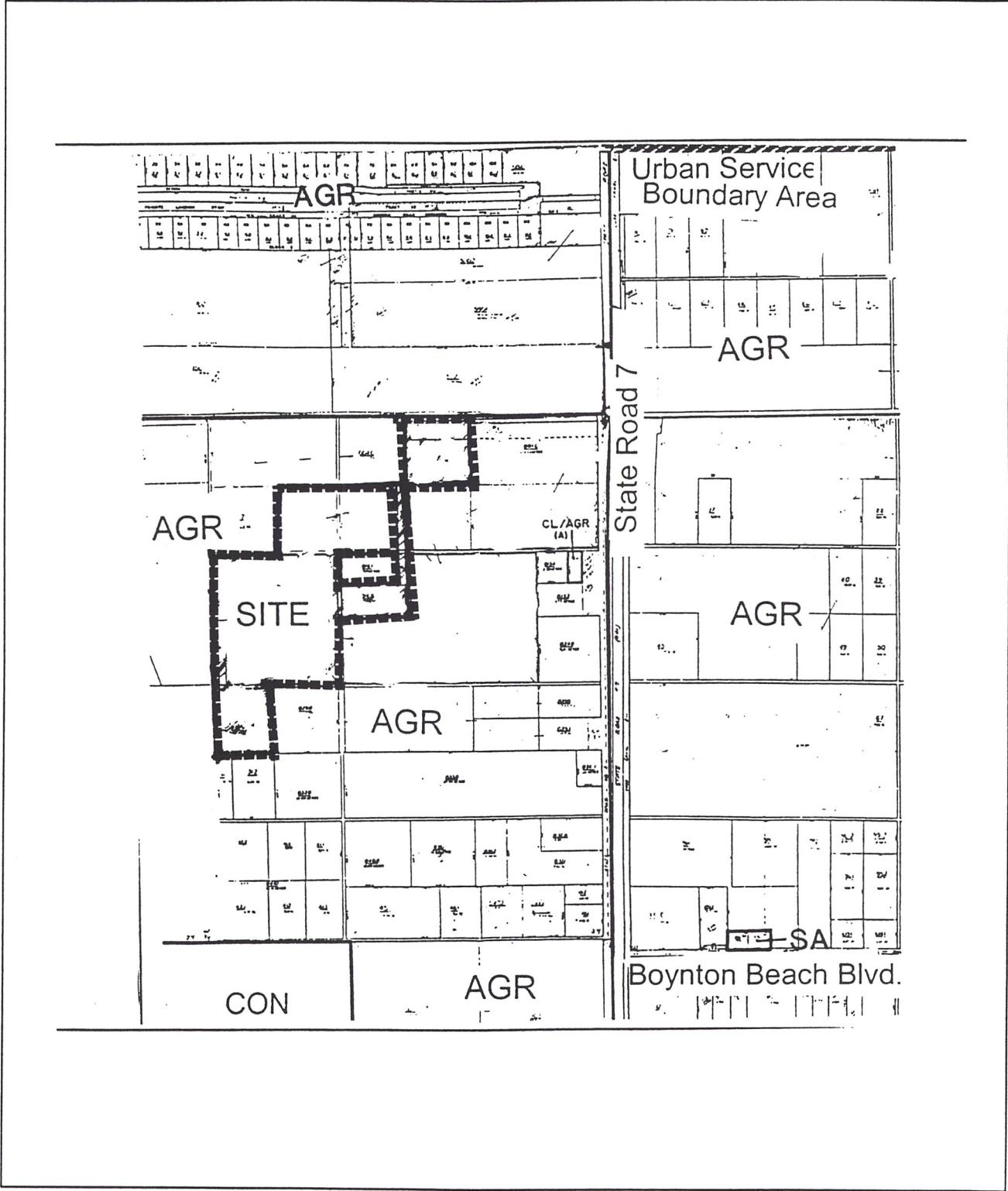
Amendment: Identify parcel as an Agricultural Preserve Area

Location: West side of State Road 7/US 441, approximately 0.5 miles north of Boynton Beach Boulevard

Size: Approximately 82.42 acres

Property No.: 00-42-43-27-05-052-0010 00-42-43-27-05-052-0162
00-42-43-27-05-052-0031 00-42-43-27-05-052-0163
00-42-43-27-05-052-0032 00-42-43-27-05-052-0170
00-42-43-27-05-052-0091 00-42-43-27-05-052-0300

Conditions: None



C. Future Land Use Atlas page 102 is amended as follows:

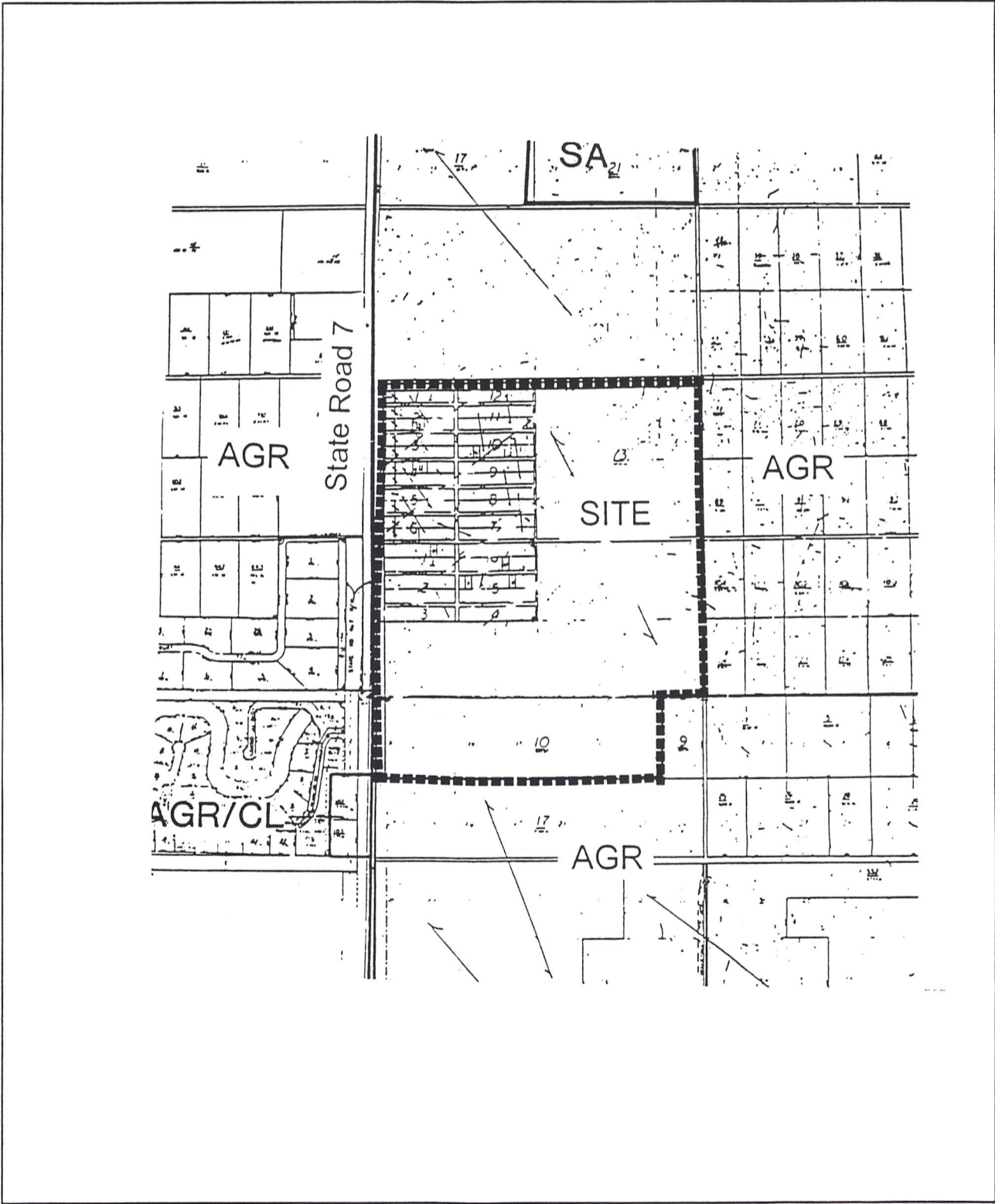
Amendment No.: 01-102.NOTE 1 (Sussman PUD Notes, Sussman)

Amendment: Identify parcel as a Buildable Area

Location: West side of State Road 7/US 441, approximately 1.5 miles north of Boynton Beach Boulevard

Size: Approximately 172.82 acres

Property No.: 00-42-46-19-01-000-0730 00-42-46-19-03-001-0010 00-42-46-19-03-002-0350
00-42-46-19-03-004-0110 00-42-46-19-03-010-0420 00-42-46-19-03-010-0430
00-42-46-19-04-001-0010 00-42-46-19-04-001-0170 00-42-46-19-04-005-0030
00-42-46-19-04-005-0170 00-42-46-19-04-006-0330 00-42-46-30-01-000-0100



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 5, 2001.
DATED at West Palm Beach, FL on 12/31/01.
DOROTHY H. WILKEN, Clerk
By: Wane Brown D.C.